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OFFICE OF PETITIONS

In re Application of
Meinolf Dingenotto et al
Application No. 10/035,873
Filed: December 31, 2001
Attorney Docket No. F-744 C

:
: DECISION GRANTING
: PETITION
:
:

This is a decision on the petition filed March 13, 2002, requesting that the above-identified application be accorded a filing date of December 31, 2001, rather than the presently accorded filing date of January 4, 2002. The petition is properly treated as a petition under 37 CFR 1.10(c).

Applicant requests the earlier filing date on the basis that the application was purportedly deposited with the U.S. Postal Service (USPS) as Express Mail on December 31, 2001, pursuant to 37 CFR 1.10. In support, applicant has submitted a copy of Express Mail Label No. EL600692254US and a Fort Lauderdale Florida USPS receipt stamp dated December 31, 2001. The same Express Mail mailing receipt number appears on the transmittal letter for the application papers.

In view of the above, the petition is granted. The application will be accorded a filing date of December 31, 2001. A corrected Filing Receipt accompanies this decision on petition.

A refund of \$65 is in order since the \$130 applied to fee code 122 for a petition fee is not necessary. The remaining balance of \$65 will be applied under fee code 205 for the surcharge fee.

Additionally, in response to the paper filed March 29, 2002, receipt is acknowledged of the declaration and surcharge mailed via certificate of mailing on February 15, 2002.

This application is being forwarded to the Office of Initial Patent Examination Division for further processing with a filing date of December 31, 2001.

Telephone inquiries concerning this matter may be directed to Karen Creasy at (703) 305-8859.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Corrected Filing Receipt